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REPORT
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SALT RIVER BAY NATIONAL HISTORICAL PARK AND ECOLOGICAL PRESERVE AT ST. CROIX, VIRGIN ISLANDS, ACT OF 1991

NOVEMBER 25, (legislative day, NOVEMBER 23), 1991.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 2927]

The Committee on Energy and Natural Resources to which was referred the Act (H.R. 2927), to provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the Act as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—SALT RIVER BAY NATIONAL HISTORICAL PARK AND ECOLOGICAL PRESERVE AT ST. CROIX, VIRGIN ISLANDS

SECTION 101. SHORT TITLE.

This title may be cited as the "Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, Act of 1991".

SEC. 102. FINDINGS.

The Congress finds that the Salt River Bay area of the north central coast of St. Croix, United States Virgin Islands—

(1) has been inhabited, possibly as far back as 2000 BC, and encompasses all major cultural periods in the United States Virgin Islands;

(2) contains the only ceremonial ball court ever discovered in the Lesser Antilles, village middens, and burial grounds which can provide evidence for the interpretation of Caribbean life prior to Columbus;

(3) is the only known site where members of the Columbus expeditions set foot on what is now United States territory;

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(4) was a focal point of various European attempts to colonize the area during the post-Columbian period and contains sites of Spanish, French, Dutch, English, and Danish settlements, including Fort Sale, one of the few remaining earthwork fortifications in the Western Hemisphere;

(5) presents an outstanding opportunity to preserve and interpret Caribbean history and culture, including the impact of European exploration and settlement;

(6) has been a national natural landmark since February 1980 and has been nominated for acquisition as a nationally significant wildlife habitat;

(7) contains the largest remaining mangrove forest in the United States Virgin Islands and a variety of tropical marine and terrestrial ecosystems which should be preserved and kept unimpaired for the benefit of present and future generations; and

(8) is worthy of a comprehensive preservation effort that should be carried out in partnership between the Federal Government and the Government of the United States Virgin Islands.

SEC. 103. SALT RIVER BAY NATIONAL HISTORICAL PARK AND ECOLOGICAL PRESERVE AT ST. CROIX, VIRGIN ISLANDS.

(a) ESTABLISHMENT.—In order to preserve, protect, and interpret for the benefit of present and future generations certain nationally significant historical, cultural, and natural sites and resources in the Virgin Islands, there is established the Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands (hereafter in this Act referred to as the "park").

(b) AREA INCLUDED.—The park shall consist of approximately 912 acres of land, waters, submerged lands, and interests therein within the area generally depicted on the map entitled "Salt River Study Area—Alternative 'C' in the "Alternatives Study and Environmental Assessment for the Columbus Landing Site, St. Croix, U.S. Virgin Islands", prepared by the National Park Service and dated June 1990. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and the Offices of the Lieutenant Governor of St. Thomas and St. Croix, Virgin Islands.

SEC. 104. ACQUISITION OF LAND.

(a) GENERAL AUTHORITY.—The Secretary of the Interior (hereafter in this title referred to as the "Secretary") may acquire land and interests in land within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange. Nothing in this section shall be construed to prohibit the Government of the United States Virgin Islands from acquiring land or interest in land within the boundaries of the park.

(b) LIMITATIONS ON AUTHORITY.—Lands, and interests in lands, within the boundaries of the park which are owned by the United States Virgin Islands, or any political subdivision thereof, may be acquired only by donation or exchange. No lands, or interests therein, containing dwellings lying within the park boundary as of July 1, 1991, may be acquired without the consent of the owner, unless the Secretary determines, after consultation with the Government of the United States Virgin Islands, that the land is being developed or proposed to be developed in a manner which is detrimental to the natural, scenic, historic, and other values for which the park was established.

SEC. 105. ADMINISTRATION.

(a) IN GENERAL.—The park shall be administered in accordance with this title and with the provisions of law generally applicable to units of the national park system, including, but not limited to, the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). In the case of any conflict between the provisions of this Act and such generally applicable provisions of law, the provisions of this Act shall govern.

(b) COOPERATIVE AGREEMENTS.—The Secretary, after consulting with the Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, Commission (hereafter in this Act referred to as the "Commission") established by section 106 of this title, is authorized to enter into cooperative agreements with the United States Virgin Islands, or any political subdivision thereof, for the management of the park and for other purposes.

(c) GENERAL MANAGEMENT PLAN.—(1) Not later than 3 years after the date funds are made available for this subsection, the Secretary, in consultation with the Commission, and with public involvement, shall develop and submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee

on Interior and Insular Affairs of the United States House of Representatives a general management plan for the park. The general management plan shall describe the appropriate protection, management, uses, and development of the park consistent with the purposes of this title.

(2) The general management plan shall include, but not be limited to, the following:

(A) Plans for implementation of a continuing program of interpretation and visitor education about the resources and values of the park.

(B) Proposals for visitor use facilities to be developed for the park.

(C) Plans for management of the natural and cultural resources of the park, with particular emphasis on the preservation of both the cultural and natural resources and long-term scientific study of terrestrial, marine, and archeological resources, giving high priority to the enforcement of the provisions of the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the park. The natural and cultural resources management plans shall be prepared in consultation with the Virgin Islands Division of Archeology and Historic Preservation.

(D) Proposals for assessing the potential operation and supply of park concessions by qualified Virgin Islands-owned businesses.

(E) Plans for the training of personnel in accordance with subsection (e).

(d) TRAINING ASSISTANCE.—During the 10-year period beginning on the date of enactment of this title, the Secretary shall, subject to appropriations, provide the funds for the employees of the Government of the United States Virgin Islands directly engaged in the joint management of the park and shall implement, in consultation with the Government of the United States Virgin Islands, a program under which Virgin Islands citizens may be trained in all phases of park operations and management: *Provided, however,* That in no event shall the Secretary provide more than 50 percent of the funding for such purposes. A primary objective of the program shall be to train employees in the skills necessary for operating and managing a Virgin Islands Territorial Park System.

SEC. 106. SALT RIVER BAY NATIONAL HISTORICAL PARK AND ECOLOGICAL PRESERVE AT ST. CROIX, VIRGIN ISLANDS, COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, Commission.

(b) DUTIES.—The Commission shall—

(1) make recommendations on how all lands and waters within the boundaries of the park can be jointly managed by the governments of the United States Virgin Islands and the United States in accordance with this title;

(2) consult with the Secretary on the development of the general management plan required by section 105 of this title; and

(3) provide advice and recommendations to the Government of the United States Virgin Islands, upon request of the Government of the United States Virgin Islands.

(c) MEMBERSHIP.—The Commission shall be composed of 10 members, as follows:

(1) The Governor of the United States Virgin Islands, or the designee of the Governor.

(2) The Secretary, or the designee of the Secretary.

(3) Four members appointed by the Secretary.

(4) Four members appointed by the Secretary from a list provided by the Governor of the United States Virgin Islands, at least one of whom shall be a member of the Legislature of the United States Virgin Islands.

Initial appointments made under this subsection shall be made within 120 days after the date of enactment of this title, except that the appointments made under paragraph (4) shall be made within 120 days after the date on which the Secretary receives such list.

(d) TERMS.—The members appointed under paragraphs (3) and (4) shall be appointed for terms of 4 years. A member of the Commission appointed for a definite term may serve after the expiration of the member's term until a successor is appointed. A vacancy in the Commission shall be filled in the same manner in which the original appointment was made and shall be filled within 60 days after the expiration of the term.

(e) CHAIR.—The Chair of the Commission shall alternate annually between the Secretary and the Governor of the United States Virgin Islands. All other officers of the Commission shall be elected by a majority of the members of the Commission to serve for terms established by the Commission.

(f) MEETINGS.—The Commission shall meet on a regular basis or at the call of the Chair. Notice of meetings and agenda shall be published in the Federal Register and local newspapers having a distribution that generally covers the United States Virgin Islands. Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(g) EXPENSES.—Members of the Commission shall serve without compensation as such, but the Secretary may pay each member of the Commission travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code. Members of the Commission who are full-time officers or employees of the United States or the Virgin Islands Government may not receive additional pay, allowances, or benefits by reason of their service on the Commission. The Secretary shall provide the Commission with a budget for travel expenses and staff, and guidelines by which expenditures shall be accounted for.

(h) FEDERAL ADVISORY COMMITTEE ACT.—Except with respect to the provisions of section 14(b) of the Federal Advisory Committee Act, and except as otherwise provided in this title, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

(i) TERMINATION.—The Commission shall terminate 10 years after the date of enactment of this title unless the Secretary determines that it is necessary to continue consulting with the Commission in carrying out the purposes of this title.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title.

TITLE II—INSULAR AREAS DISASTER SURVIVAL AND RECOVERY

SEC. 201. DEFINITIONS.

As used in this title—

(1) the term "insular area" means any of the following: American Samoa, the Federated States of Micronesia, Guam, the Marshall Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands;

(2) the term "disaster" means a declaration of a major disaster by the President after September 1, 1989, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

(3) the term "Secretary" means the Secretary of the Interior.

SEC. 202. AUTHORIZATION.

There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to construct facilities to protect public health and safety and to enhance the survivability of essential infrastructure in the event of disasters in the insular areas. Such sums shall remain available until expended.

SEC. 203. TECHNICAL ASSISTANCE.

(a) Upon the declaration by the President of a disaster in an insular area, the President shall assess, in cooperation with the Secretary and Chief executive of such insular area, the capability of the insular government to respond to the disaster, including the capability to assess damage, coordinate activities with Federal agencies, particularly the Federal Emergency Management Agency; develop recovery plans, including recommendations for enhancing the survivability of essential infrastructure; negotiate and manage reconstruction contracts; and prevent the misuse of funds. If the President finds that the insular government lacks any of these or other capabilities essential to the recovery effort, then the President shall provide technical assistance to the insular area which the President deems necessary for the recovery effort.

(b) One year following the declaration by the President of a disaster in an insular area, the Secretary shall submit to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs a report on the status of the recovery effort, including an audit of Federal funds expended in the recovery effort and recommendations on how to improve public health and safety, survivability of infrastructure, recovery efforts, and effective use of funds in the event of future disasters.

SEC. 204. HAZARD MITIGATION.

Upon determination by the President, the total of contributions under section 404 of the Disaster Relief and Emergency Assistance Amendments of 1988 (42 U.S.C.

4121 et seq.) for insular areas shall not exceed 10 percent of the estimated aggregate amounts of grants to be made under sections 403, 406, 407, 408, and 411 of such Act for any disaster: *Provided*, That the President shall require a 50 percent local match for assistance in excess of 10 percent of the estimated aggregate amount of grants to be made under section 406 of such Act for any disaster.

SEC. 205. TECHNICAL AMENDMENT.

Paragraphs (3) and (4) of section 102 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) are each amended by inserting after "American Samoa," the following: "the Northern Mariana Islands,".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. AMERICAN SAMOA WATER AND POWER STUDY.

Sec. a. The Secretary of the Interior shall undertake a comprehensive study, or as appropriate review and update existing studies, to determine the current and long-term water, power, and waste-water needs of American Samoa. Such study shall be conducted in consultation with the American Samoa government, and in consultation with those Federal agencies which have recent experience with water, power and waste-water needs of American Samoa.

(b) The Secretary of the Interior shall report the results of this study to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, before December 31, 1992. The report shall include:

(1) an assessment of the water, power and waste-water needs of American Samoa both currently, and for the year 2000;

(2) an assessment and recommendations on how these needs can be met;

(3) an assessment and recommendations for any additional legal authority or funding which may be necessary to meet these needs; and

(4) an assessment and recommendations on the respective roles of the Federal and American Samoa governments in meeting these needs.

SEC. 302. INSULAR GOVERNMENT PURCHASES.

The Governments of American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands are authorized to make purchases through the General Services Administration.

SEC. 303. FREELY ASSOCIATED STATE CARRIER.

(a) In furtherance of the objectives of the Compact of Free Association Act of 1985 (Public Law 99-239) and nothwithstanding any other provision of law, a Freely Associated State Air Carrier shall not be precluded from providing transportation, between a place in the United States and a place in a state in free association with the United States or between two places in such a freely associated state, by air of persons (and their personal effects) and property procured, contracted for, or otherwise obtained by any executive department or other agency or instrumentality of the United States for its own account or in furtherance of the purposes or pursuant to the terms of any contract, agreement, or other special arrangement made or entered into under which payment is made by the United States or payment is made from funds appropriated, owned, controlled, granted, or conditionally granted, or utilized by or otherwise established for the account of the United States, or shall be furnished to or for the account of any foreign nation, or any international agency, or other organization of whatever nationality, without provisions for reimbursement.

(b) The term "Freely Associated State Air Carrier" shall apply exclusively to a carrier referred to in Article IX(5)(b) of the Federal Programs and Services Agreement concluded pursuant to Article II of Title Two and Section 232 of the Compact of Free Association.

SEC. 304. MARSHALL ISLANDS FOOD ASSISTANCE.

Section 103(h)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1681 note) is amended by striking out "five" and inserting in lieu thereof "ten".

SEC. 305. NORTHERN MARIANAS COLLEGE.

Section 9(a) of the Act approved August 27, 1986 (Public Law 99-396), is amended by striking out "subsection (a)." at the end and inserting in lieu thereof the following: "subsection (a), by striking out 'and Micronesia' each place it appears and inserting in lieu thereof 'Micronesia, and the Northern Mariana Islands'; and, in sub-

section (b), by striking out 'and to Micronesia' and inserting in lieu thereof ', Micronesia, and to the Northern Mariana Islands'.".

Purpose of the Measure

The purpose of H.R. 2927, as ordered reported, is to establish the 912-acre Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, to provide greater flexibility to Federal agencies in responding to the needs of the insular areas in the event of a major disaster, and to modify the application of certain Federal policies and programs to meet the special needs of the insular areas.

Background and Need

Salt River Bay is located along the north-central shore of St. Croix, in the U.S. Virgin Islands, approximately 4 miles west of Christiansted. In November of 1493, during his second expedition to the New World, Christopher Columbus anchored his fleet off the bay and sent a party of soldiers ashore, making Salt River Bay the only known site where a Columbus-led expedition landed on what is now United States territory.

Although the site is perhaps best known for the landing of the Columbus expedition, the area has a long and varied archeological history. There is evidence that man has inhabited the island dating back possibly as far as 2000 B.C. The site contains the only ceremonial ball court ever discovered in the Lesser Antilles, along with village middens, burial grounds, and other archeological deposits providing evidence of the island's aboriginal cultures.

Following the landing by the Columbus party, St. Croix was also the location of Spanish, French, Dutch, English, and Danish settlements. Salt River Bay is one of the few single sites in the U.S. Virgin Islands containing archeological evidence from each of the many periods in the islands' political and cultural history.

The Salt River Bay is also rich in natural resources. The site contains the largest remaining mangrove forest in the U.S. Virgin Islands which provides important habitat for many plants and animals including the endangered West Indian Whistling Duck.

The bay is the largest and most significant relatively undisturbed estuary remaining on St. Croix. The bay contains a submarine canyon which begins 15 feet offshore and continues seaward to a depth of 270 feet, where it plummets to a depth of over 12,000 feet. The canyon is rich in coral and other marine life.

In 1960, the Department of the Interior designated 5 acres at Salt River Bay as a National Historic Landmark. In 1980, the entire bay and shoreline, totalling 690 acres, were designated as a National Natural Landmark.

In 1990 the National Park Service prepared a study detailing preservation alternatives for protecting the Salt River area. Based in part on the study, the Governor of the Virgin Islands, the Islands' Delegate to Congress and Secretary of the Interior Lujan began discussions to consider the possibility of designating the site as a park to be managed by the National Park Service and the U.S. Virgin Islands.

LEGISLATIVE HISTORY

H.R. 2927 passed the House of Representatives by a voice vote on November 5, 1991. Companion legislation, S. 1495, was introduced in the Senate by Senator Johnston on July 18, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 1495 on September 26, 1991.

At the business meeting on November 20, 1991, the Committee on Energy and Natural Resources ordered H.R. 2927, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on November 20, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 2927, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Conrad*	
Mr. Akaka*	
Mr. Fowler*	
Mr. Shelby*	
Mr. Wellstone	
Mr. Wallop	
Mr. Hatfield*	
Mr. Domenici	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Seymour	
Mr. Garn	

*Indicates voted by proxy

COMMITTEE AMENDMENTS

During the consideration of H.R. 2927, the Committee adopted an amendment in the nature of a substitute. Title I of the amendment would establish the Salt River Bay National Historical Park and Ecological Park at St. Croix, U.S. Virgin Islands. The amendment modifies the park boundaries to conform to recommendations contained in a National Park Service study. In addition, the amendment deletes a provision setting forth interim management guidelines for the park. The Committee notes that all statutory authority available to the Secretary of the Interior to protect the park will be available immediately upon designation of the park. In the Committee's view, additional legislative language is unnecessary and inconsistent with the administration and management require-

ments of subsection 105(a) of the Committee amendment. Finally, the Committee amendment requires that the training program established by subsection 105(d) be funded equally by the Federal and U.S. Virgin Islands governments.

Title II of the amendment is similar to S. 2362, the Insular Areas Recovery Act of 1990. S. 2362 was reported by the Committee during the 101st Congress on July 12, 1990, and subsequently passed the Senate on October 10, 1990, and again on October 27, 1990. The text of title II of the Committee amendment differs from S. 2362 as previously passed by the Senate in only one respect—under section 204, and at the request of the Office of Management and Budget, the President "shall" require a local match for certain hazard mitigation grants, instead of "may" require such a match.

Title III includes several miscellaneous provisions regarding the application of programs in the territories. Two of the five sections also passed the Senate during the 101st Congress as a part of S. 2362. The other three sections, based on provisions passed by the House of Representatives at that time, would: require the Secretary of the Interior to undertake a study of the water, power and waste-water needs of American Samoa; extend the food assistance program from 5 to 10 years for those atolls in the Marshall Islands affected by the U.S. nuclear testing program during the 1940's to 1960's; and authorize the Northern Mariana College to receive an endowment as a Land Grant institution.

The amendment is explained in detail in the Section-by-Section analysis, below.

Section-By-Section Analysis

Section 101 entitles the Act the "Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, Act of 1991."

Section 102 contains the Congressional findings.

Section 103 establishes the Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands (the "park") in order to preserve and protect the historical, cultural, and natural sites and resources located within the park.

Subsection (b) states that the park is to consist of approximately 912 acres of lands, waters, submerged lands, and interests therein as generally depicted on the referenced map.

Section 104 authorizes the Secretary to acquire lands and interests in land within the boundaries of the park by purchase with donated or appropriated funds, donation, or exchange. Subsection (a) makes clear that enactment of this Act will not prevent the Virgin Islands government from acquiring lands or interests in lands within the park boundaries.

Subsection (b) provides that any lands or interests in lands within the park boundaries that are owned by the U.S. Virgin Islands (USVI), or any political subdivison thereof, many only be acquired by donation or exchange. The subsection also states that any lands or interests containing dwellings located within the park boundary and in existence as of July 1, 1991, may not be acquired without the consent of the owner, unless the Secretary determines, after consultation with the Government of the USVI, that the land

is being developed or is proposed to be developed in a manner detrimental to the values for which the park was established.

Section 105 sets forth the administrative requirements for the park. Subsection (a) provides that the park is to be administered pursuant to this Act and to laws generally applicable to units of the National Park System.

Subsection (b) authorizes the Secretary, after consulting with the Commission established by section 106, to enter into cooperative agreements with the USVI to provide for the management of the park and for other purposes.

Subsection (c) sets forth the requirements for the preparation of the park's general management plan. The plan is required to be completed within 3 years after the date funds are made available.

Subsection (d) directs the Secretary to provide funds, not to exceed 50 percent of the funding, to the USVI for USVI employees directly engaged in the joint management of the park. Such funding is to continue for a ten year period beginning on the date of enactment of this Act.

Section 106 provides for the establishment of a 10 member Salt River Historical Park and Ecological Preserve at St Croix, Virgin Islands, Commission to make recommendations to the Secretary concerning the joint management of the park and the preparation of the general management plan.

Section 107 authorizes the appropriation of such sums as may be necessary to carry out this title.

TITLE II—INSULAR AREAS DISASTER AND RECOVERY

Section 201. Definitions. These are self-explanatory. It is important to note, however, that although the Freely Associated States are not explicitly covered by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), they are eligible to receive the programs of the Federal Emergency Management Agency pursuant to paragraph 221(a)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1681). This provision would expand the amount of funding which the U.S. territories could receive under the Stafford Act, and it would provide the same treatment to the Freely Associated States.

Section 202. Authorization. This section provides an authorization for appropriations for such sums as may be necessary to construct facilities to (1) protect public health and safety, or (2) enhance the survivability of essential infrastructure in the event of disasters in the insular areas. The section further provides that such sums shall remain available until expended.

Funds appropriated under this authorization are intended to be expended for capital projects, either prior to or following a disaster. Funds may be appropriated to any of several Federal agencies that may have facilities in the insular areas, or that could assist in any reconstruction effort.

In the insular areas, construction of public health and public safety facilities would qualify for funding under this section. In addition, essential public utilities, such a water, electrical, waste disposal and treatment, communications, and fuel service systems would also qualify as projects to protect public health and safety.

Other governmental facilities adversely affected by major disasters such as airports, docks and roads could qualify, assuming that the facilities to be constructed would further the purposes of the Act.

This section also authorizes construction of facilities to enhance the survivability of essential infrastructure in the event of major disasters in the insular areas. The phrase is intended to mean those facilities which require improvement or "hardening" for hazard mitigation, as that term is understood under section 404 of the Stafford Act. In the normal circumstance, as Interagency Hazard Mitigation Task Force will be assembled following a major disaster in an insular area. The Task Force, using expertise from the Departments of the Interior, Housing and Urban Development, Health and Human Services, and the U.S. Army Corps of Engineers, the Federal Emergency Management Agency, the Environmental Protection Agency, and other Federal departments and agencies, will identify and document those hazard mitigation projects that are important to the survivability of essential public facilities. To the extent that regular Federal Emergency Management Agency assistance is inadequate to accomplish these projects, this section provides an authorization for supplemental funding, to be administered by those agencies and departments with special expertise either in the insular areas generally, or with respect to specific construction projects of importance to hazard mitigation. Obviously, many projects will contribute to meeting both objectives under the authorization. However, a project only needs to meet one of two objectives in order to be eligible for funding.

Sums are authorized to be appropriated to improve public-sector infrastructure regardless of its purpose, as all public-sector facilities are eligible for reconstruction assistance under the Stafford Act. Thus, the funds appropriated to this section for hazard mitigation are intended to reduce future Federal disaster-relief costs in the insular areas.

Section 203. Technical Assistance. Subsection (a) provides that the President, following the declaration of a major disaster in an insular area, shall assess, in cooperation with the Secretary of the Interior and the chief executive of the affected insular area, the capability of the insular area government to respond to the disaster. This assessment shall include the ability of the insular area government to assess damages; coordinate activities with other agencies, particularly the Federal Emergency Management Agency; develop recovery plans, including hazard mitigation plans; negotiate and manage reconstruction contracts; and prevent misuse of funds. If the President finds that an insular area lacks these or other capabilities essential to the recovery effort, then the President shall provide technical assistance, through the appropriate Federal agency, to the insular area government as necessary to the recovery effort. Because many insular area governments are underdeveloped, and are therefore less able than State governments to manage the contracts and funding that come with disaster recovery, this subsection is intended to ensure that the local government's capabilities are specifically considered and assistance will be provided when necessary.

Subsection (b) provides that 1 year following the declaration by the President of a major disaster in an insular area, the Secretary

of the Interior shall, in cooperation with the Administrator of the Federal Emergency Management Agency, report to Congress on the status of the recovery effort, including an audit of federal funds expended on the recovery effort; and recommendations on how to improve public health and safety, survivability of infrastructure, recovery efforts, and effective use of funds in the event of future disasters.

Section 204. Hazard Mitigation. This section gives the President the authority to increase the total contributions to an insular area for hazard mitigation under section 404 of the Stafford Act, if the President determines that such an increase would promote reconstruction in the disaster area so as to enhance the survivability of essential infrastructure, or to enhance public health and safety, in the event of future disasters. Such an increase in contributions is limited to 10 percent of the estimated aggregate amount of grants to be made under sections 403, 406, 407, 408 and 411 of the Stafford Act; and is contingent upon the President requiring a 50 percent local match for assistance in excess of 10 percent of the estimated aggregate amount of grants to be made under section 406 of such Act for any disaster.

The Committee notes that the administering authority of any department or agency may waive any requirement for matching funds to be provided by an insular area pursuant to 48 U.S.C. 1469a(d). It is intended that this discretion to waive a matching grant requirement would continue to apply to those grants for which an insular area was eligible prior to the enactment of this section, but that it does not apply to any increase in contributions authorized under this section.

This section is intended to give the President the flexibility to increase assistance for hazard mitigation projects if such an increase world enhance public health and safety, or would reduce damage and federal costs in the event of future disasters.

Section 205. Technical Amendment. This section would make a technical amendment to the Stafford Act by amending the definitions in subsections 102 (3) and (4) of such Act, to include the Northern Mariana Islands.

TITLE III - MISCELLANEOUS PROVISIONS

Section 301. American Samoa Water and Power Study. Subsection (a) requires the Secretary of the Interior to undertake a comprehensive study, or as appropriate, to review and update existing studies, to determine the current and long-term water, power, and waste-water needs of American Samoa. It is required that the Secretary conduct this study in consultation with the American Samoa government and with those Federal agencies, such as the Army Corps of Engineers, which have recent experience with the water, power and waste-water needs of American Samoa.

Subsection (b) requires that the Secretary report the results of the study to the appropriate committees of Congress, and it identifies specific assessments and recommendations to be included in the report.

Section 302. Insular Government Purchases. This section authorizes the insular governments of American Samoa, Guam, the

Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands, to make purchases through the General Services Administration. This provision would codify a long standing Federal Government policy which has been enacted annually in the legislation to provide appropriations for the Department of the Interior and related agencies.

Section 303. Freely Associated State Carrier. This section would allow an air carrier of the Republic of the Marshall Islands, a freely associated state, to be contracted by Federal agencies to carry persons and cargo within the Marshall Islands and between the Marshall Islands and the United States. This provision is designed to allow the U.S. military to contract with Air Marshall Islands (AMI) to transport people and cargo between Hawaii and the U.S. Army Base at Kwajalein Atoll in the Marshall Islands. At times, The Military Airlift Command (MAC) has difficulty in accommodating the transportation needs between those points and it is interested in contracting with AMI for additional service. This provision would authorize such a contract.

Section 304 Marshall Island Food Assistance. This section would extend, for 5 years, the food assistance program operated by the United States Department of Agriculture and which provides food to the people of the Marshall Islands who were affected by the United States nuclear testing program conducted in the northern Marshall Islands during the 1950's. This food assistance program was established to provide assistance because the testing program, and related clean-up activities reduced the amount of local food that was available for local consumption. Recent studies by the Department of the Interior indicate that local foods continue to be in short supply, thus the need for supplemental food continues. The report also indicated, however, that local food production is on the increase and it is therefore expected that this program will be phased-out as local food production meets the local food needs.

Section 305. Northern Marianas College. This section would authorize the Northern Marianas College to receive the same endowment as a Land Grant College, as was previously authorized for the land grant colleges of the other insular areas.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Stading Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 2927. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 2927, as ordered reported.

EXECUTIVE COMMUNICATIONS

On September 12, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting fourth Executive agency recommendations and S. 1495. These reports had not been received at the time the report on S. 1495 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Department of the Interior at the Subcommittee hearing following:

STATEMENT OF THE HONORABLE MANUEL LUJAN, JR.,

SECRETARY OF THE INTERIOR

Thank you for the opportunity to offer the Department of the Interior's views on S. 1495, a bill to provide for the establishment of St. Croix, Virgin Islands Historical Park and Ecological Preserve.

Protection of the Salt River Bay area is one of my personal priorities and a goal of the National Park Service. I have visited the site, and I am pleased to have had the opportunity to work with Senator J. Bennett Johnston, Chairman of the full committee, and Representative de Lugo as they were crafting the bill now before the Subcommittee. Senator Johnston and Representative de Lugo should be commended for their continuing strong commitment to perserving the unique national and cultural resources of Salt River Bay.

We support the establishment of a unit of the National Park System at Salt River Bay.

Mr. Chairman, if enacted, S. 1495 will establish a new park unit that will include approximately 440 acres of land and 606 acres of water surface. The park will be managed in a partnership between the Interior Department and the Virgin Islands Government, and the General Management Plan for the park will be developed in consultation with the Virgin Islands Government. An appointed commission, half of whose members will be representatives of, or nominated by, the Virgin Islands, will provide the Department and the Virgin Islands Government with advice and recommendations regarding the planning and management of the park. There will also be a program to provide training to Virgin Islands park employees in the special skills needed in park management and operations.

Mr. Chairman, the proposed park is located at Salt River Bay on the north-central Caribbean coast of St. Croix, U.S. Virgin Islands, approximately 4 miles west of the town of Christiansted. This site has long been recognized as an area with important cultural remains. It contains evidence of prehistoric habitation encompassing the

major cultural periods in the Virgin Islands. It also contains the only site of a ceremonial ball court plaza identified to date in the Lesser Antilles. Excavations of village middens, ball court features and other archeological features have provided evidence for the interpretation of Caribbean life prior to European settlement. Such sites are rare and, therefore, have special significance.

It was at Salt River Bay, in 1493, on the second of his four voyages to the New World, that Christopher Columbus anchored his ships outside the entrance to the bay and sent men to find a source of fresh water and to make contact with the residents of St. Croix. This is the only known site where members of a Columbus party set foot on what is now territory of the United States. Subsequently, the area was a focal point of various European attempts to colonize St. Croix in the 17th century.

In addition to these cultural resources, the Salt River Bay area includes prime examples of several types of ecosystems, including mangrove fringe forest, mangrove basin forest, salt pond, and freshwater marsh. The area contains a most significant, high-energy tropical reef system and a biologically rich submarine canyon that has been a principal study site for NOAA's National Undersea Research Program.

In summary, Mr. Chairman, Salt River offers a unique combination of natural and cultural values, including plants and animals rarely observed in other parts of the Virgin Islands, together with archeological and historic sites. In addition, the area has high potential for recreational and educational activities and scientific research.

Unfortunately, these values have been placed at risk by proposed commercial development along the shoreline, dredging of the bay, and an increasing level of uncontrolled visitor use. Without the protection offered by this bill we can expect the loss of irreplaceable archeological data, the beautiful historic setting, and important wildlife habitat.

Mr. Chairman, we support the creation of this unit of the National Park System and look forward to working with the Subcommittee in finalizing the provisions of this legislation.

Mr. Chairman, we strongly support the bill's intent to create a partnership between the Federal Government and the Virgin Islands Government in the management of this important site. Key elements of the partnership are joint management of the park, cooperative development of the park General Management Plan, and the park advisory committee.

Section 6(d) provides for a 10-year program under which the Secretary would fund the cost of Virgin Islands management employees and other park employees who would participate in a training program in park operations and management. We support the concept of providing training

in park operations and management for Virgin Islands park personnel.

Again Mr. Chairman, we look forward to working with you and your subcommittee to iron out any remaining details regarding this bill so that early enactment will be possible.

Mr. Chairman, thank you for inviting us to give the Department's view on this new park proposal that could result in the long-term protection of outstanding cultural and natural resources. It is imperative that we act quickly to protect those resources. At this time I would be delighted to answer any questions you might have for me.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 2927, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 99-239

Joint Resolution To approve the "Compact of Free Association", and for other purposes.

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TITLE I—APPROVAL OF COMPACT; INTERPRETATION OF, AND UNITED STATES POLICIES REGARDING, COMPACT; SUPPLEMENTAL PROVISIONS

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SEC. 103. AGREEMENTS WITH AND OTHER PROVISIONS RELATED TO THE MARSHALL ISLANDS.

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(h) DOE RADIOLOGICAL HEALTH CARE PROGRAM; USDA AGRICULTURAL AND FOOD PROGRAMS.—

(1) MARSHALL ISLANDS PROGRAM.—Notwithstanding any other provision of law, upon the request of the Government of the Marshall Islands, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall continue to provide special medical care and logistical support thereto for the remaining 174 members of the population of Rongelap and Utrik who were exposed to radiation resulting from the 1954 United States thermonuclear "Bravo" test, pursuant to Public Laws 95-134 and 96-205. Such medical care and its accompanying logistical support shall total $22,500,000 over the first 11 years of the Compact.

(2) AGRICULTURAL AND FOOD PROGRAMS.—Notwithstanding any other provision of law, upon the request of the Govern-

ment of the Marshall Islands, for the first [five] *ten* years after the effective date of the Compact, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall provide technical and other assistance—

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PUBLIC LAW 99-396

An Act To amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes.

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SEC. 9. (a) Section 506 of the Education Amendments of 1972, Public Law 92-318 (86 Stat. 235) is further amended by inserting; "the Northern Marianas College", after "the College of Micronesia" in [subsection (a).] *subsection (a),* by striking out "and Micronesia" each place it appears and inserting in lieu thereof "Micronesia, and the Northern Mariana Islands"; and, in subsection (b), by striking out "and to Micronesia" and inserting in lieu thereof ", Micronesia, and to the Northern Mariana Islands".

ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

TITLE I—FINDINGS, DECLARATIONS, AND DEFINITIONS

FINDINGS AND DECLARATIONS

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DEFINITIONS

SEC. 102. As used in this Act

(1) "Emergency" means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

(2) "Major disaster" means any natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(3) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American

Samoa, *the Northern Mariana Islands,* and the Trust Territory of the Pacific Islands.

(4) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, *the Northern Mariana Islands,* or the Trust Territory of the Pacific Islands.

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